

ORIGINAL

**Shainis & Peltzman**

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Lee J. Peltzman

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Of Counsel  
William H. DuRoss, III  
Matthew L. Leibowitz

July 24, 1995

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N. W.  
Washington, D. C. 20554

DOCKET FILE COPY ORIGINAL

RECEIVED  
JUL 24 1995  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

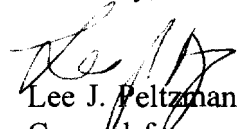
Re: MM Docket No. 95-74  
Amendment of Section 73.202(b)  
FM Table of Allotments  
(Benavides and Bruni, Texas)

Dear Mr. Caton:

Transmitted herewith, on behalf of Benavides Communications is an original and four (4) copies of its Reply Comments in the above-referenced rule making.

Should questions arise concerning this filing, please communicate with this office.

Sincerely,

  
Lee J. Peltzman  
Counsel for  
BENAVIDES COMMUNICATIONS

Enclosure

Before The  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D. C. 20554

In the Matter of:

Amendment of Section 73.202(b)  
FM Table of Allotments  
(Benavides and Bruni, Texas)

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MM DOCKET NO. 95-74  
RM-8579

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

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JUN 24 1995

**COMMENTS**

Benavides Communications ("BC" or "petitioner"), permittee of Station KXTM(FM), Benavides, Texas, by its attorney, hereby respectfully files its Comments in the above-captioned rule making.<sup>1/</sup> By Notice of Proposed Rule Making, DA 95-1145, released June 1, 1995 ("NPRM"), the Commission proposed to amend its Table of Allotments to reallocate Channel 299C2 from Benavides to Bruni, Texas pursuant to Section 1.420(i) of its rules and allocate Channel 254A to Benavides, Texas, as a new channel. The NPRM also proposed the concurrent modification of KXTM(FM)'s construction permit to specify Bruni as its community of license.

The NPRM requested that petitioner present sufficient information demonstrating that Bruni has social, economic, cultural, or governmental indicia to qualify it as a "community" for allotment purposes. The Commission also requested that petitioner submit information showing the areas and populations which will receive new service, the areas and populations which will lose potential service in the event Channel 299C2 is reallocated to Bruni, and the number of

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<sup>1/</sup> Comments have been filed by Miguel A. Villarreal, Jr., which BC will reply to in its Reply Comments. A copy of these Comments are being served on Mr. Villarreal.

reception services which are presently available in the gain and loss areas.

Clearly, Bruni qualifies as a community for Commission allotment purposes. Section 307(b) of the Communications Act requires that the Commission fairly, equitably, and officially distribute frequencies ". . . among the several States and communities." The Commission has defined communities as geographically identifiable population groupings. Bruni is not incorporated, nor is it listed in the U.S. Census. However, FM allotments are not limited to communities which are either incorporated or listed in the U.S. Census. See Gleneden Beach, Oregon, 3 FCC Rcd. 6464 (1988); Eagle Nest-Angel Fire, New Mexico, 3 FCC Rcd. 2520 (1988); Laughlin, Nevada, 2 FCC Rcd. 6267 (1987).

Bruni is listed in the Rand McNally Commercial Atlas and Marketing Guide (1995) with a population of 375 individuals. However, while its population is small in numbers, Bruni has sufficient social, economic, cultural, and government indicia to qualify it as a "community" for Commission allotment purposes (Photographic Exhibit A).

Bruni has its own United States Post Office (Photographic Exhibit B). It has its own high school (Photographic Exhibit C and Exhibit D (letter from Principal Michael W. Torres, Bruni High School)).

It has its own listing in a Southwestern Bell Telephone Directory (Exhibit E). That Directory contains listings of a number of businesses located in Bruni including Marshall Construction, Inc., G&G Satellite Systems, G&G Grocery Store, Bruni Service Station, Cogema Mining, Inc., Paiz' Hamburger Stand, Shear Perfection Beauty Salon, and Smothers-Bruni Rancho Co. (Photographic Exhibits F, G, H, and I). Other commercial enterprises are also associated with Bruni: Lowe's Water Sales, and A. Castillo & Sons (Photographic Exhibits J and K).

A new athletic and fine arts facility is presently being constructed in Bruni (Photographic Exhibit L). Bruni also has its own landfill (Photographic Exhibit M).

Bruni has municipal type services which are provided to its residents. Power is furnished through Medina Electric Co-operative, Inc. (Photographic Exhibit N). Bruni has its own volunteer Fire Department and a Sheriff's Office. Water is provided through the local water authority (Photographic Exhibit O). Plans are presently in place to obtain an ambulance service.

Social organizations located in Bruni include the Bruni Lion's Club, Bruni High School Boosters, and the Bruni School Council. Also, there are presently plans to bring a Knights of Columbus to Bruni.

There are two churches which are located in Bruni, a Catholic and a Baptist Church (Photographic Exhibit P).

It is clear from the above that Bruni has numerous businesses, civic and social organizations, religious institutions, a school, post office, and municipal services, all of which serve as indicia of its community status. As such, Bruni qualifies as a community for Commission allotment purposes.

In determining whether a proposed change of community would serve the public interest, the Commission is guided by its change of community procedures. See Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd. 4870 (1989), reconsideration granted in part, 5 FCC Rcd. 7094 (1990) ("Change of Community Order"). Utilizing those procedures, the Commission compares the existing arrangement of allotments with

the proposal using its FM allotment priorities.<sup>2/</sup>

In this case, BC is in compliance with the Commission's Change of Community Order and Section 1.420(i) of the Commission's rules. While, technically, BC is removing a service from the community of Benavides, it is not an existing service. Station KTXM(FM) is a construction permit, has never been on the air, and, thus, is not currently providing service to the community of Benavides. The Commission has concluded that an unbuilt construction permit is not to be considered as an existing service in the context of change of community rule makings. See Farmington and Gallup, New Mexico, 7 FCC Rcd. 2382, 2383 (1992). The Commission historically has recognized that the removal of a construction permit from a community does not present the same concerns with respect to a loss of service as removal of an operating station since the public has not yet come to rely on service from the unbuilt station. See Pawley's Island and Atlantic Beach, South Carolina, 8 FCC Rcd. 8657 (1993); Glencoe and Le Sueur, Minnesota, 7 FCC Rcd. 7651 (1992); Sanibel and San Carlos Park, Florida, DA 95-1396, released June 29, 1995, para. 5.

The public interest would best be served by the reallocation of Channel 299C2 from Benavides to Bruni and the modification of Station KXTM(FM)'s permit to specify operation on Channel 299C2 at Bruni as well as the allotment of Channel 254A to Benavides. The Technical Statement attached hereto establishes that the potential area within the 60 dBu contour of the KXTM(FM) construction permit is 8,521 sq. km. containing a population of 58,005 people. The

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<sup>2/</sup> The allotment priorities are: (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters. Co-equal weight is given to priorities (2) and (3). See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 92 (1982).

area within the 60 dBu contour of the proposed Bruni reallocation is 8,502 sq. km., containing a population of 10,389 individuals. However, importantly, virtually 100 percent of these areas are already well served. With respect to KXTM(FM)'s potential coverage, only 9.7 sq. km., containing no population, is served by fewer than five aural services. Similarly, with respect to the Bruni proposed rule making proposal, only 7.7 sq. km. is served by fewer than five aural services.

Thus, neither priority (1) or (2) is involved in this case. However, the proposed reallocation would satisfy Commission FM allotment priority (3), first local aural service, since Bruni presently lacks any transmission service. Moreover, Benavides will also retain a transmission service if the Commission allots Channel 254A to Benavides as requested by BC. It should also be noted that, in the event that this rule making is approved and Channel 299C2 is reallocated to Bruni, a city grade signal will still be provided to the community of Benavides by Station KXTM(FM). The Commission has noted that, as a practical matter, provision of first local service is the highest of its FM allotment priorities which remains in any significant degree unsatisfied. See Change of Community Order, 5 FCC Rcd. at 7097.

By granting the relief sought by BC, the Commission will provide a first local aural service to two communities, clearly a preferential arrangement of allotments. Accordingly, the public service will be served by approval of BC's proposal. In the event that the Commission does approve the reallocation of Channel 299C2 from Benavides to Bruni and the allotment of a new Channel 254A at Benavides, Texas, BC will promptly file an application for modification of its permit to implement the reallocation at Bruni, Texas, as well as an application for a new construction permit at Benavides, Texas, and will, upon Commission grants, immediately seek

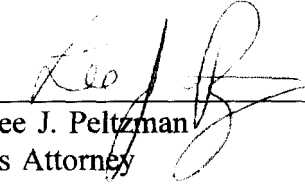
to construct and operate Station KXTM(FM) on Channel 299C2 at Bruni, Texas, as well as a new station on Channel 254A at Benavides, Texas.<sup>3/</sup>

Respectfully submitted,

BENAVIDES COMMUNICATIONS

SHAINIS & PELTZMAN  
Suite 200  
2000 L Street, N. W.  
Washington, D. C. 20036

By:

  
\_\_\_\_\_  
Lee J. Peltzman  
Its Attorney

202/416-1633

July 24, 1995

CA1995LJP.FCC/BENAVIDE.COM

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<sup>3/</sup> In the event the Commission allots another alternative channel to Benavides, BC herein states its intent to apply for that channel and, upon FCC grant of its application, construct and operate that station.

PHOTOGRAPHIC EXHIBITS A, B, and C

BENAVIDES COMMUNICATIONS  
COMMENTS - MM DOCKET NO. 95-74



EXHIBIT A

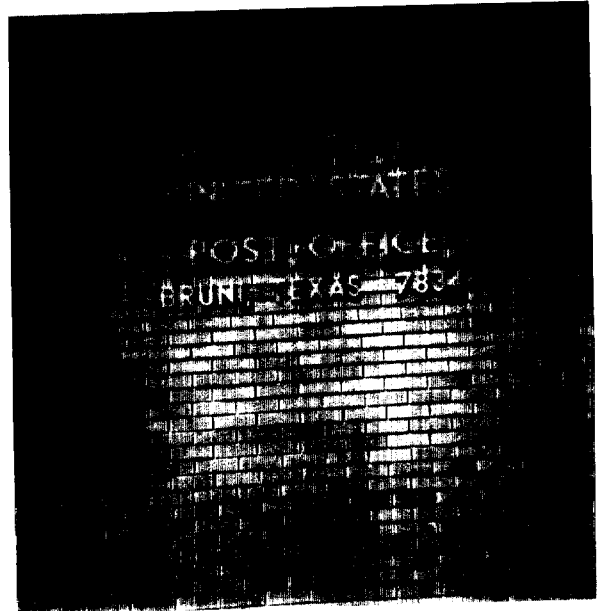


EXHIBIT B



EXHIBIT C



**EXHIBIT D**

**BENAVIDES COMMUNICATIONS  
COMMENTS -- MM DOCKET NO. 95-74**

7/19/95

FCC  
Washington D C.

Dear Sirs,

I wish to ask your support for a proposed radio station, KXTM FM 107.7. As principal and athletic director I feel that it is very important that our students have every opportunity to participate in relevant activities that will enhance their understanding in the real world, the world after graduation. It is my feeling that by having a local radio station that our students will have access to, our will better understand the course content and it will allow for meaningful learning experiences to take place.

Bruni, Texas is a small town that is miles away from large media centers. consequently, it is difficult for our students to receive media recognition for accomplishments earned by their hard work. a local radio station will be a step in a positive direction to change that problem. additionally, we have a number of families who live on large ranches. The members of these families do not always have the ability to attend football, basketball, or baseball games that their children are participating in. A local radio station affords these people that chance to hear live broadcast of the efforts of their children.

With these thoughts in mind, I hope that you will give careful consideration to the efforts of Humberto Lopez to secure a local radio station for Bruni Texas. Thank you for your attention to this important matter.

Sincerely,



Michael W. Torres  
Principal/Athletic Director  
Bruni High School  
Bruni Texas

# 1995-1996 Badger Basketball Boys' Schedule

---

## November

11 (Fri.)	Zapata Scrimmage		There
14 (Tues.)	Riviera (F, JVB, VB)	5:00	Here
17 (Fri.)	Benavides (F, JVB, VB)	5:00	There
21 (Tues.)	Cotulla (JVB, VB)	5:30	There
24 (Fri.)	Thanksgiving Holidays		
28 (Tues.)	C.C.A. (JVB, VG, VB)	5:00	Here

## December

1-2 (Fri.-Sat.)	Tilden Tourn. (B, G)		There
5 (Tues.)	Riviera (F, JVB, VB)	5:00	There
7-9 (Thur.-Sat.)	Ben Bolt Tourn. (B, G)		
12 (Tues.)	Zapata (F, JVB, VB)	5:00	Here
19 (Tues.)	Tilden (JVB, VG, VB)	5:00	There
22 (Fri.)	Falfurrias (F, JVB, VB)	5:00	Here

## January

5 (Fri.)	Hebb. (F, JVB, VB)	5:00	There
9 (Tues.)	Cotulla (JVB, VB)	5:30	Here
12 (Fri.)	Benavides (F, JV, VB)	5:30	Here
16 (Tues.)	C.C.A. (JVG, VG, VB)	5:00	There
19 (Fri.)	*Ben Bolt (JVB, VB)	5:00	There
23 (Tues.)	*Port A (JVG, VG, VB)	5:00	Here
26 (Fri.)	*San Isidro (JVG, VG, VB)	5:00	Here
30 (Tues.)	*Agua Dulce (JVB, VG, VB)	5:00	There

## February

2 (Fri.)	King Acad. (JVB, VG, VB)	5:00	There
6 (Tues.)	*Ben Bolt (JVG, VG, VB)	5:00	Here
9 (Fri.)	*Port A (JVB, VG, VB)	5:00	There
13 (Tues.)	*San Isidro (JVB, VG, VB)	5:00	There
16 (Fri.)	*Agua Dulce (JVG, VG, VB)	5:00	Here

---

\* Denotes District Game  
Head Coach: George Gonzales

Colors: Blue & Gold  
Telephone No. (512) 747-5410

# 1995-1996 Badger Basketball Girls' Schedule

---

## November

7 (Tues.)	Riviera Scrimmage	5:30	There
11 (Sat.)	Laredo Scrimmage	10:00	There
17 (Fri.)	Riviera	5:00	Here
21 (Tues.)	Benavides	5:30	Here
24	Thanksgiving Holidays		
28 (Tues.)	C. C. Academy	5:00	Here

## December

1-2 (Fri.-Sat.)	Tilden Tournament		
5 (Tues.)	Alexander	5:30	There
8 (Fri.)	Ben Bolt Tournament		
12 (Tues.)	King Academy	5:30	There
19 (Tues.)	Tilden	5:00	There

## January

5 (Fri.)	King Academy	5:30	Here
9 (Tues.)	San Isidro	5:30	There
12 (Fri.)	Agua Dulce	5:30	Here
16 (Tues.)	C. C. Academy	5:00	There
19 (Fri.)	*Ben Bolt	5:30	There
23 (Tues.)	*Port Aransas	5:30	Here
26 (Fri.)	*San Isidro	5:30	Here
30 (Tues.)	*Agua Dulce	5:30	There

## February

2 (Fri.)	Bye		
6 (Tues.)	*Ben Bolt	5:30	Here
9 (Fri.)	*Port Aransas	5:30	There


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\* Denotes District Game  
Head Coach: Rudy Almaraz

Colors: Royal Blue & Gold  
Telephone No. (512) 747-5410

**EXHIBIT E**

**BENAVIDES COMMUNICATIONS  
COMMENTS -- MM DOCKET NO. 95-74**

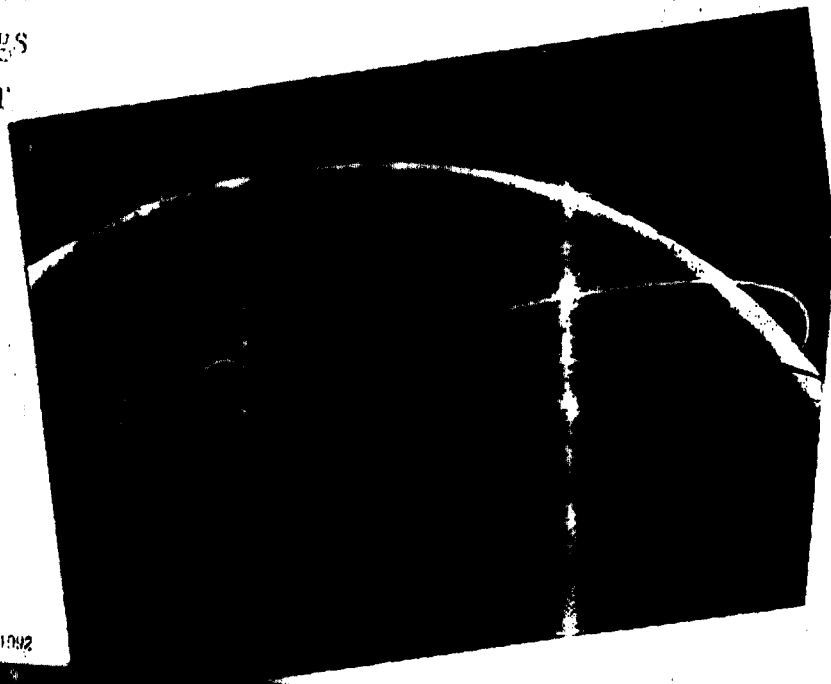
 White Pages printed  
on 10% recycled paper.

 **Southwestern Bell**

September 1992-93 White and Yellow Pages

# Hebbbronville, Bruni

"Telecommunications  
bridges distance  
and time, brings  
people together  
and shrinks  
the globe."



© Southwestern Bell Yellow Pages, Inc. 1992

Area Code

**512**



Contents in order  
of appearance

Emergency Numbers

Customer Guide

White Pages

Yellow Pages

True Co-Op Gin Co ..... 584-2133  
 II Busy Dial ..... 584-2395  
 TRUE Dan RFD 1 ..... 584-2889  
 TRUE IV RFD 1 ..... 584-3387  
 TRUE JILLO Oscar R 909 W 2nd St ..... 584-3809  
 Emmotte Piper Chapels ..... 584-2300  
 12 E Main ..... 592-9394  
 5 General ..... Kingsville

U

Union Pacific Liquid Pipeline Inc ..... 584-3922  
 14 Rd 666 .....  
 Union Pacific Pipeline .....  
 Corpus Christi ..... 242-9626  
 Union Pacific Resources Company .....  
 Call ..... 584-3521 Pipeline Emergency

584-2451  
 United Parcel Service ..... 735-9341  
 6900 Park Ten San Antonio .....  
 For Govt Or Schools .....  
 See Community Pages In Front Of Book

V

V M W Equipment Co ..... 584-2711  
 V M E N T A R C ..... 584-2430  
 934 Henderson .....  
 V M E N T I N E James RFD 2 Robstown ..... 584-3908  
 V M E N Z U E L A Fernando ..... 584-2085  
 103 N Hackberry Av .....  
 V M E F M 703 E Main ..... 584-3756  
 Children ..... 584-2942  
 V M E R D E Guile 608 W 3rd ..... 584-3289  
 V M E T E R Van V 406 E 6th ..... 584-3302  
 V M E R A Victoria 212 W 32nd ..... 584-3215  
 V M E Q U E Z Baldemar Jr ..... 584-3607  
 13 Rd 70 .....  
 V M E Q U E Z Teresa 608 1/2 W 3rd ..... 584-2583  
 V M E S A U R W R ..... 584-3431  
 302 Meadowbrook Rd .....  
 V M E I G H N Steven & Gayle ..... 584-2409  
 1 Tubbs

A

Abuse Hot Line The Elder Disabled  
 Spouse/Partner Or Child Abuse ..... 800-252-5400  
 Austin .....  
 Angelina Cattle Co ..... 747-5390  
 111 Longoria Ranch .....  
 A N N I Y Gene #20 Avenue A ..... 747-5457

B

Barrera Alfredo ..... 527-3478  
 Registered Public Surveyor .....  
 501 E Viggo St Hebbronville .....  
 B a r r e Earth Science Systems Inc ..... 747-5221  
 Bay Materials ..... 747-5496  
 Rock Crushing Plant .....  
 B E N A V I D E S Alonzo SE Hwy 359 ..... 747-5241  
 B L A N R Steve Avenue C ..... 747-5536  
 B O T E L L O Robert Avenue G ..... 747-5535  
 B R I C E Carroll ..... 747-5227  
 Bruni Rural Water Supply Corp ..... 747-5465  
 Fourth .....  
 Bruni Service Station Hwy 359 ..... 747-5381  
 Toll Free ..... 800-794-5381  
 B U T A M A N T E David ..... 747-5286  
 B U T L E R George Avenue D ..... 747-5363  
 Burnard Aviation Avenue B ..... 747-5213

C

C A T A L E S Mario ..... 747-5330  
 C A T A L E S D ..... 747-5307

VAZQUEZ Manuel G 408 E 5th St ..... 584-3140  
 V E L A Clarissa ..... 584-3350  
 V E L A Homer 900 E Oregon ..... 584-3311  
 V E L A Jose 502 E 9th ..... 584-3350  
 V E L A Santos 601 W 5th St ..... 584-3312  
 V E L A Z Q U E Z Antonio & Kathy ..... 584-3807  
 V E S T Joe A ..... 584-2731  
 V I L L A N U E V A Jesus ..... 584-2869  
 V I L L A N U E V A Lupe S 308 E 1st St ..... 584-3761  
 V I L L A R R E A L Ruben 613 E 9th ..... 584-3182  
 V I L L A R R E A L Ruben 513 E 9th ..... 584-3682  
 V I N A Joseph 407 W 4th St ..... 584-3095  
 V I N C E N T Larry 608 E 9th St ..... 584-2402  
 Virginia Chemical Inc Chemicals ..... 584-3533  
 Bishop Plant Hwy 77 ..... 584-2825  
 V O I G T Albert C

W

WAKELAND Dick 605 E 11th ..... 584-2292  
 WAKELAND Stacy L 201 E Joyce ..... 584-2483  
 W A L L A C E Jerald Glenn ..... 584-3748  
 513 E 5th St .....  
 W A L L A C E L T ..... 584-3225  
 412 Henderson .....  
 W A L L A C E Lew L 614 E 9th ..... 584-2723  
 W A L L A C E Shirley ..... 584-2627  
 530 Meadowbrook Rd .....  
 W A R D D W 506 E Tubbs ..... 584-2150  
 Washboard The 301 W Main ..... 584-3103  
 W E S T Thomas 223 E Main ..... 584-3149  
 W H I T E N T O N John 512 E 9th St ..... 584-2628  
 W H I T L E Y James E 907 E Henderson ..... 584-2158  
 W H I T L E Y Jonathon 41 E 10th St ..... 584-3846  
 W H I T L O W Jeff RFD 2 ..... 584-3433  
 W H I T T E N J C 602 E Tubbs ..... 584-2119  
 W I L K E R S O N J W 404 E Joyce ..... 584-2236  
 W I L L B E R N Arthur Jr ..... 584-2649  
 706 Henderson .....  
 W I L L I A M S John Henry ..... 584-2734  
 513 N Harrell St .....  
 W I L L I A M S L 900 E Oregon ..... 584-3356  
 W I L L I A M S O N Jimmy 606 Thompson Dr ..... 584-2086  
 W I L L I A M S O N Travis 403 E 2nd ..... 584-3686

BRUNI

CASTELLANO Jose Raul ..... 747-5388  
 820 Avenue A .....  
 C A S T I L L O Antonio Avenue F ..... 747-5441  
 C A S T I L L O Bonnie Avenue F ..... 747-5244  
 C A S T I L L O Bonnie Avenue F ..... 747-5364  
 C A S T I L L O Ricardo Avenue F ..... 747-5212  
 C A S T I L L O Rudy FM 2050 ..... 747-5376  
 Central Power & Light Company  
 For All Service Matters ..... 800-274-2611  
 Toll Free .....  
 To Report Electrical Outages ..... 800-944-9444  
 Toll Free .....  
 C H A P A Homero Avenue F ..... 747-5370  
 C H A P A Homero Jr ..... 747-5226  
 C H A P A Onofre Avenue F ..... 747-5217  
 C H A P A Osberto ..... 747-5215  
 C H A P M A N W M ..... 747-5355  
 Child Abuse Hot Line ..... 800-252-5400  
 Austin .....  
 C L A U S E W I T Z Rose ..... 747-5367  
 Cogema Mining Inc SE Hwy 359 ..... 747-5401  
 C O R T I N A S Enrique FM 2050 ..... 747-5359  
 C R E M A R Eliso Avenue B ..... 747-5450  
 C R E M A R Nora ..... 747-5309  
 C R E M A R Roel ..... 747-5263  
 C R O S S C L Avenue A ..... 747-5339

D

D A V I L A Jesus Hwy 359 ..... 747-5411  
 D A V I L A Jose Jr Avenue G ..... 747-5327  
 D E S P A I N Ila ..... 747-5386  
 D E S P A I N P W ..... 747-5348  
 D I N N J H ..... 747-5389

WILSON Bobbie 204 E 1st St ..... 584-3999  
 W I L S O N Cliff ..... 584-2148  
 903 N Hackberry Av .....  
 W I L S O N Connie & Dana ..... 584-2917  
 W I L S O N Dana & Connie ..... 584-2817  
 W I M B E R L Y William E ..... 584-2689  
 414 E 4th .....  
 W I M S A T T W A 213 E Joyce ..... 584-2459  
 W I N K L E R Fred 908 E 9th ..... 584-2160  
 W I T T Lachella ..... 584-2713  
 W O L F Barry 103 W Joyce ..... 584-2074  
 W O L T E R E M ..... 584-2316  
 W O L T E R E R ..... 584-2015  
 W O L T E R Hardie L & Shirley ..... 584-2491  
 301 E 4th St .....  
 W O L T E R LaVerne 607 Tubbs ..... 584-3167  
 W O L T E R Thomas 1400 E 6th St ..... 584-3794  
 W O L T E R Tom Farm ..... 584-3710  
 W O O T E N John E Sr 612 Tubbs ..... 584-3254  
 W R I G H T Phil ..... 584-3838  
 W R I G H T Tracy & Julie ..... 584-2886  
 RFD 1 .....  
 W U E N S C H E Howard ..... 584-2722  
 505 W 6th .....  
 W Y A T T John & Socorro ..... 584-2835  
 103 S Av D .....  
 W Y R O Peter H 501 E Joyce ..... 584-3046

Y

YAMANO Reginald Golden Acres ..... 584-2026

Z

ZAMORA Alfredo Golden Acres ..... 584-3224  
 ZAMORA Armando Golden Acres ..... 584-3829  
 ZAMORA Heriberto ..... 584-3759  
 ZAPALAC John B Carrela Pk ..... 584-2378  
 ZAVESKY Victor ..... 584-2758  
 609 Henderson .....  
 Z E P E D A Orlando 900 E Oregon ..... 584-2885  
 Z I E S C H A N G Alvin RFD 2 ..... 584-3110  
 Z I E S C H A N G Carl ..... 584-2995  
 Z O C H Rogers ..... 584-2854

DINN Ranch ..... 747-5300

E

Elison Ford Inc ..... 527-3224  
 301 E Galbraith Hebbronville .....  
 Entex Inc ..... 527-3424  
 512 E Galbraith St Hebbronville .....  
 For Emergencies Only Saturdays Sundays  
 Holidays & After 5PM Weekdays ..... 527-4987  
 Call Hebbronville ..... 210-723-8753  
 If No Answer Laredo

F

FALCON Rolando Jr ..... 747-5377  
 Avenue D .....  
 Fireball Service Co ..... 527-4949  
 708 E Galbraith Hebbronville .....  
 F O X Darrell Avenue G ..... 747-5245  
 F R A N Z H T Mrs ..... 747-5219

G

G & G Satellite Systems ..... 747-5230  
 NW Hwy 359 .....  
 G & G Store Groc NW Hwy 359 ..... 747-5230  
 G A R C I A Biviana T ..... 747-5224  
 G A R Z A Martha Alicia ..... 747-5248  
 Avenue G .....  
 G A R Z A Mary Bell Avenue G ..... 747-5270  
 G A R Z A Rodolfo FM 2050 ..... 747-5358  
 G O M E Z Manuel R ..... 747-5276  
 G O N Z A L E S George 520 Avenue A ..... 747-5277

BISHOP

BRUNI

4 3591	GONZALES Joey & Orlando	747 5326	MARSHALL Catherine	747 5287	RODRIGUEZ Gloria Dalia	747 5338
4 2148	Avenue B		Hwy 359	747 5220	✓ Avenue B	
4 2817	GONZALEZ Martha	747 5342	Marshall Construction	747 5253	<b>S</b>	
4 2817	Avenue D		Or Call	747 5351		
4 2889	GUERRA Edward FM 2050	747 5524	Hwy 359	747 5352	SAENZ Estevan	747 5225
4 2459	GUERRA Jesus	747 5230	MARSHALL Daisy A	747 5253	SAENZ Jose Maria	747 5225
4 2160	NW Hwy 359		MARSHALL Robert	747 5258	SALAZAR Patty Avenue B	747 5426
4 2713	GUNKEL Glenda J 312 Avenue D	747 5283	MARSHALL Robert & Sara		SALINAS Fernando Avenue B	747 5201
4 2074	Gutierrez Jose A Jr MD		Hwy 359		Salinas Juan Serv Sta	
4 2316	512 N Smith Hebronville	527 4053	Medina Electric Cooperative Inc	747 5444	Hwy 359	747 5381
4 2015	<b>H</b>		FM 2050	210 334 3641	Shear Perfection Beauty Salon	
4 2491	HAMILTON Buck Hwy 16	747 5245	Emergency Only - Plant Pearsall	747 5251	Hwy 359	747 5313
4 3167	HARPER M E SE Hwy 359	747 5322	MELO Arturo	747 5319	Smothers Bruni Rancho Co	
4 3794	HARPER Paula	747 5302	MENDIETA Armando A	747 5211	Hwy 359	747 5435
4 3710	HARRIS Albert Avenue G	747 5394	MENDOZA Benjamin	747 5418	SOLANO Jose Alfredo	747 5366
4 3254	HERNANDEZ Arturo	747 5350	FM 2050	747 5308	SOLIZ Humberto 822 Avenue A	747 5295
4 3838	HERSCHAP Howard	747 5341	MILLER Dale F 820 Avenue A	747 5369	STARK James C Fourth	747 5546
4 2886	Hi-Way Garage & Multiplier Shop		MOGLIA Alice	747 5346	<b>T</b>	
4 2722	106 E Santa Clara Hebronville	527 3134	MORALEZ Leopoldo	747 5278	For Govt Or Schools	
4 2835	HINOJOSA Gilbert	747 5296	MOREHEAD W M	747 5344	See Community Pages In Int'l Ot Book	
4 3046	Howard Williams Funeral Home		MORENO H Avenue B	747 5247	THUN Kathleen & Danny	
8 3028	401 E Texas St Hebronville	527 3112	MUNOZ Cynthia Cremer	747 5243	820 Avenue A	747 5473
8 3224	HUERTA Armando 620 Avenue A	747 5275	MUNOZ Margarita R	747 5354	Total Minerals Corp FM 2050	747 5417
8 3829	<b>J</b>		FM 2050	747 5280	TREVINO Joann & Joe	
8 3759	Jim Hogg County Airport	527 9033	MUNOZ Mario Avenue G		Avenue D	747 5424
8 2378	Hwy 359 Hebronville	747 5320	<b>N</b>		TREVINO Mario & Joe Jr	747 5425
8 2758	JONES David Miller FM 2050		NIETO Rebecca Avenue F	747 5450	Avenue D	747 5205
8 2885	<b>K</b>		<b>O</b>		TRICOP Jerry Avenue E	
8 3110	KLATT Ernest Jr	747 5329	Old Soldier Limited		<b>U</b>	
8 2995	<b>L</b>		SE Hwy 359	747 5446	<b>V</b>	
8 2654	Laredo Legal Aid Society Inc		<b>P</b>		VALDES Lilia G	747 5387
8 5300	1719 Washington Laredo	210 722 7581	PAIZ Armando FM 2050	747 5240	VALDEZ Jesus M	747 5442
8 5300	Laredo Lumber & Supply Co		Paiz's Hamburger Stand		Avenue C	
8 5300	200 Market Laredo	210 723 8234	Hwy 359	747 5275	VASQUEZ Baldemar	747 5269
8 5300	LAUREL Leopoldo	747 5392	Toll Free	800 530 2778	VASQUEZ Dora	747 5267
8 5300	LAUREL Manuela M		PEREZ Abelardo Avenue C	747 5382	VASQUEZ Jaime FM 2050	747 5216
8 5300	Avenue F	747 5293	PEREZ Consuelo Avenue G	747 5505	VASQUEZ Valdemar	
8 5300	LAYTON W A Mrs	747 5260	PEREZ Consuelo	747 5439	FM 2050	747 5292
8 5300	LEAL Julia	747 5207	PEREZ Gloria Diana	747 5249	Vil Alberto Jr Fourth	747 5229
8 5300	LEAL Lorenzo FM 2050	747 5383	Avenue G	747 5248	Velasco Pablo	747 5223
8 5300	LEAL Pete FM 2050	747 5498	PEREZ Julio Jr Avenue D	747 5254	VELA Virginia	747 5356
8 5300	LEAL Servando FM 2050	747 5343	PEREZ Oscar	747 5291	<b>W</b>	
8 5300	LONG John S	747 5347	PEREZ Richard R	747 5273	WALLACE J Donn	747 5300
8 5300	LOPEZ Bernardo Jr Avenue E	747 5296	PEREZ Ysidoro	747 5335	For Govt Or Schools	
8 5300	LOPEZ Daniel Avenue G	747 5305	PEREZ Zenon	747 5235	See Community Pages In Int'l Ot Book	
8 5300	LOPEZ Ezequiel Avenue G	747 5427	<b>R</b>		WILKINS Dennis Avenue F	747 5510
8 5300	LOPEZ Geronimo	747 5284	RAMIREZ Juan Avenue C	747 5272	WORLEY Phil 830 Avenue A	747 5321
8 5300	LOWE Larry	747 5265	REYES Willie Guillermo	747 5231	<b>Y</b>	
8 5300	LOWE W H SE Hwy 359	747 5317	REYES Willie Jr	747 5304	YBANEZ Robert F & Iva	747 5314
8 5300	LOZANO Arturo G Hwy Avenue A	747 5353	RIVERA Hector F		Avenue G	
8 5300	<b>M</b>		NW Hwy 359	747 5334		
8 5300	MADDOX Ken Hwy 16	747 5480	ROBERTSON Paul D	747 5200		

## CONCEPCION

8 5377	<b>A</b>		BENAVIDES Chris	539 4139	CANTU Amando P	539 4645
8 5377	ALANIZ Piquito Mrs	539 4169	BENAVIDES Chris I	539 4764	CANTU Fantina S	539 4302
8 5377	ALMARAZ Israel	539 4423	BENAVIDES Isabel V	539 4145	CANTU Homero R	539 4379
8 5377	ARREDONDO Lydia B Mrs	539 4417	BENAVIDES Julio Mrs	539 4345	CANTU Ismael	539 4693
8 5377	<b>B</b>		BENAVIDES Ramona	539 4748	CANTU Noe	539 4318
8 5377	BARRERA Arturo	539 4765	BENAVIDES Roberto O	539 4623	CANTU Rene	539 4795
8 5377	BARRERA Homero	539 4664	PERRY Richard	539 4673	CANTU Roberto C	539 4643
8 5377	BARRERA Homero	539 4654	BROWN G Gardner	539 4171	CANTU Toribio Jr	539 4663
8 5377	BARRERA Homero H	539 4315	Buena Suerta Ranch	539 4147	CARRAJAL Eulalia Jr	539 4356
8 5377	BARRERA Homero Jr	539 4635	Or Call		CARRERA Ramon Jr	539 4439
8 5377	BARRERA Santiago Jr	539 4769	ads	539 4191	CASTELLANO Joe Paul	539 4403
8 5377	BASALDUA Roel	539 4137	ALSTON Alberto	539 4301	CAVAZOS Jesus M	539 4164
8 5377	BASALDUA Roel	539 4338	<b>C</b>	539 4112	CAVAZOS Marta	539 4666
8 5377			CADENA Olivia Mrs	539 4148	CHAPA Aurora	539 4721
8 5377					CHAPA Manuel G	539 4792
8 5377					CHAPA Solano	539 4329
8 5377					Chapas Tire Shop	539 4675

BRUNI

CONCEPCION



PHOTOGRAPHIC EXHIBITS F, G, H, and I

RENAVIDES COMMUNICATIONS  
COMMENTS - MM DOCKET NO. 95-74

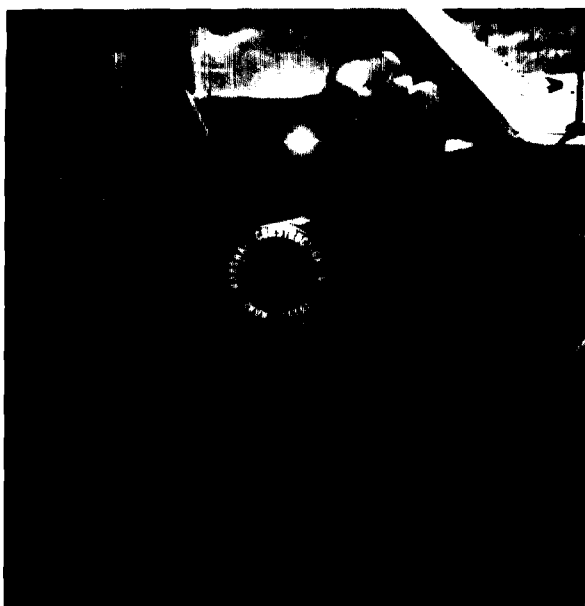


EXHIBIT F



EXHIBIT G



EXHIBIT H

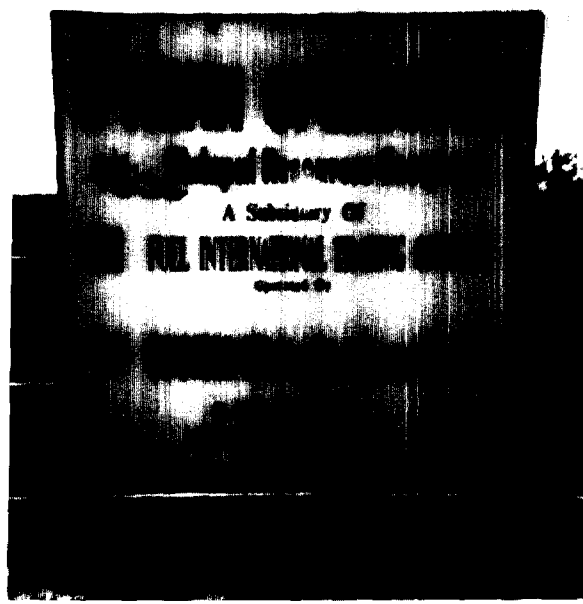


EXHIBIT I

PHOTOGRAPHIC EXHIBITS J, K, L, and M

RENAVIDES COMMUNICATIONS  
COMMENTS - MM DOCKET NO. 95-74

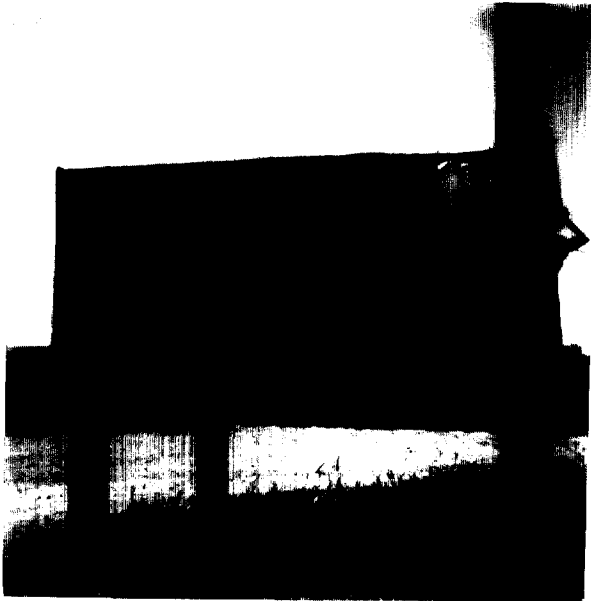


EXHIBIT J



EXHIBIT K

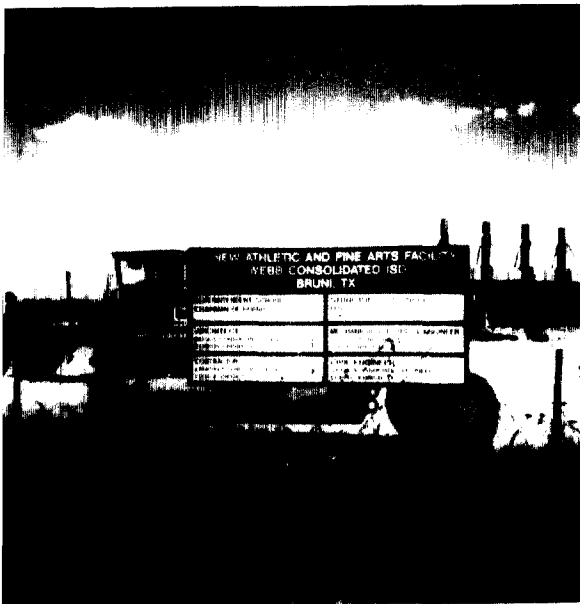


EXHIBIT L

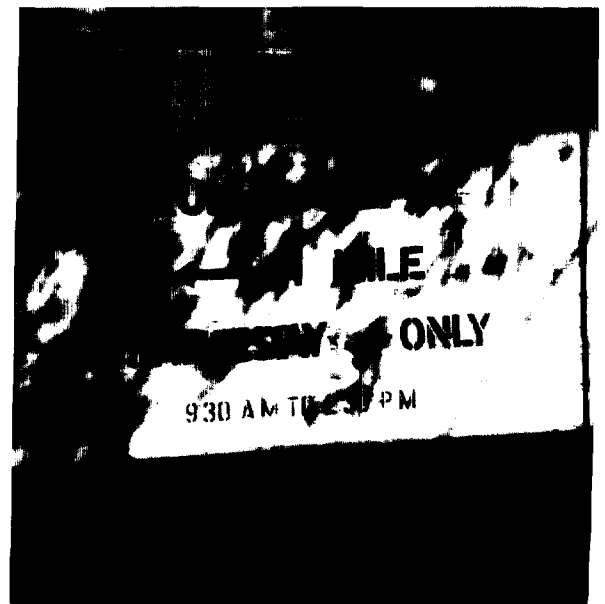


EXHIBIT M

PHOTOGRAPHIC EXHIBITS N, O, and P

REYNOLDS COMMUNICATIONS  
COMMUNICATIONS DOCKET NO. 95-74

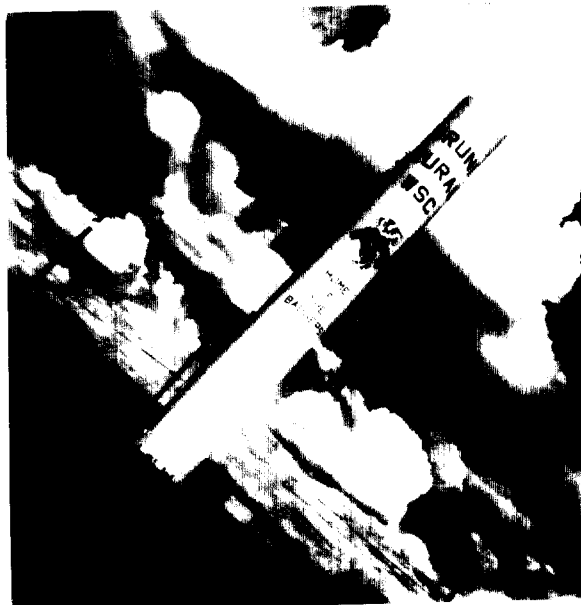
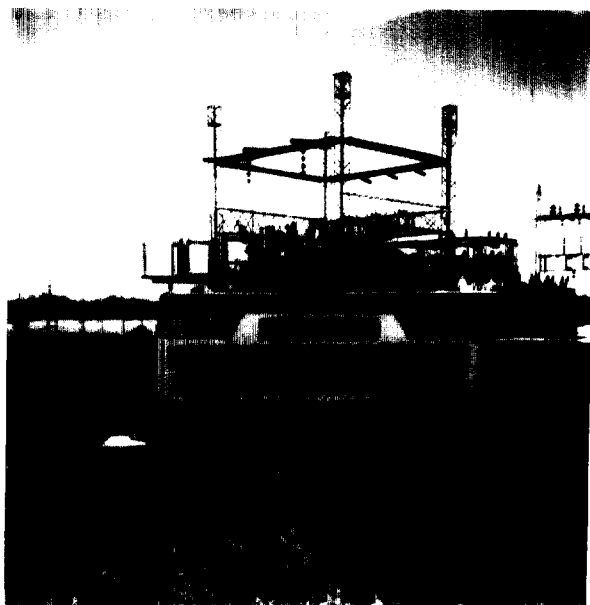


EXHIBIT N

EXHIBIT O




EXHIBIT P

## **CERTIFICATE OF SERVICE**

I, Linda E. Skiles, Office Administrator, of the law firm of Shainis & Peltzman, do hereby certify that copies of the foregoing document were sent, via First Class Mail, this 24th day of July, 1995, to the office of the following:

Miguel A. Villarreal, Jr.  
Radio Impacto KDOS/KZTQ  
505 Houston Street  
P. O. Box 814  
Laredo, TX 78040

John A. Karousos  
Federal Communications Commission  
2025 M Street, N. W. - Room 8322  
Washington, D. C. 20554

  
Linda E. Skiles

ORIGINAL

TECHNICAL STATEMENT IN SUPPORT  
OF PROPOSED RULE MAKING TO  
AMEND §73.202(b), FM TABLE OF ALLOTMENTS

on behalf of  
BENAVIDES COMMUNICATIONS  
KXTM-FM RADIO  
BRUNI, TEXAS

JULY, 1995

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**WILLOUGHBY & VOSS**  
BROADCAST TECHNICAL CONSULTANTS  
P.O. BOX 701190  
SAN ANTONIO, TEXAS 78270-1190  
(210) 525-1111

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## WILLOUGHBY & VOSS

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SUPPLEMENTAL SHOWING IN SUPPORT OF PROPOSED RULE MAKING  
TO CHANGE COMMUNITY OF ALLOTMENT  
BENAVIDES COMMUNICATIONS  
JULY, 1995

The firm of Willoughby & Voss has been retained by Benavides Communications, permittee of KXTM-FM, FCC File No. BPH-921022MG, to prepare the instant supplemental showings requested by the Allocations Branch, in MM Docket No. 95-74, RM-8579. This rulemaking proceeding proposes to amend the FM Table of Allotments by deleting Channel 299C2 at Benavides, Texas, and assigning Channel 299C2 to Bruni, Texas. Further, it is proposed that Channel 254A be assigned to Benavides, in this manner, Benavides will not be deprived of first local service, and is available for use by any interested party, while providing Bruni with first local service also. The instant proposal is mutually exclusive with the present assignment of KXTM-299C2 to Benavides, Texas.

The area within the 60 dBu contour of KXTM-CP is 8,521 square kilometers containing a population of 58,005. The area within the 60 dBu contour of the Bruni-PRM is 8,502 square kilometers and contains a population of 10,389. The 60 dBu area which is common to both KXTM-CP and Bruni-PRM is 4,477 square kilometers. The area gained is 4,025 square kilometers and the area lost is 4,044 square kilometers.

The 60 dBu area of the NEW 254A is 2,505 square kilometers, with a population of 4,341. Of the total area, 634 square kilometers are within the area lost (this area contains 957 persons), reducing the loss area to 3,410 square kilometers.

Of the 4,044 square kilometers of loss area, only 9.7 sq.km. (contains no population) is served by fewer than five aural services. KXTM would provide fifth aural service to this small area.

BENAVIDES COMMUNICATIONS  
TECHNICAL STATEMENT

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WILLOUGHBY & VOSS

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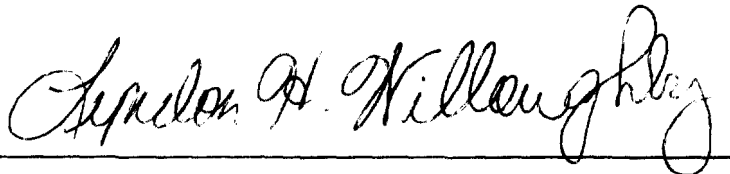
Of the 4,025 sq.km. of gained area, 7.7 sq.km. is served by fewer than five aural services. With the allotment of 299C2 to Bruni fifth aural service will be provided to 7.7 square kilometers.

Attached, please find Map Exhibit A, which demonstrates the aural services pertinent to this proceeding. The red shaded areas represent the areas where fifth aural service will be gained and lost by adoption of this proposal.

The foregoing was prepared on behalf of Benavides Communications, by Lyndon H. Willoughby, of Willoughby & Voss, San Antonio, Texas. The affiant's qualifications are contained in previous filings and are a matter of record with the Federal Communications Commission. The statements and data contained herein are true and correct of his own knowledge, except as to statements made on information and belief and as to those statements, he believes them to be true and correct.

Date: July 21, 1995

By:

A handwritten signature in cursive script, reading "Lyndon H. Willoughby", written over a horizontal line.

Lyndon H. Willoughby, Affiant

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# WILLOUGHBY & VOSS

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## EXHIBIT A LEGEND AND BASIS FOR AURAL SERVICES CONTOUR MAP

	<u>#</u>	<u>CALL</u>	<u>CHAN.</u>	<u>COMMUNITY OF LICENSE</u>	<u>FILE # or FACILITY</u>
*	A	PRM	299C2	Bruni, Texas	DOC. 95-74 RM-8579
*	B	KXTM	299C2	Benavides, Texas	BPH-921022MG
	C	KVOZ	890 kHz	Laredo, Texas	BL-880401AH
	D	KVJY	840 kHz	Pharr, Texas	BL-890213AG
	E	KGBT	1530 kHz	Harlingen, Texas	50.0 kW, DA-N
	F	KDSI	1070 kHz	Alice, Texas	1.0 kW, DA-N
	G	KPSO	1260 kHz	Falfurrias, Texas	0.5 kW, ND
	H	KLAR	1300 kHz	Laredo, Texas	1.0 kW, DA-N
	I	KJBZ	224A	Laredo, Texas	BLH-830325AH
	J	KOYE	235C1	Laredo, Texas	BLH-6967
	K	KBRA	240A	Freer, Texas	BLH-850116LR
	L	KRRG	251C1	Laredo, Texas	BLH-821108BB
	M	KBDR	263C2	Mirando City, Texas	BLH-930415KB
	N	KMFM	285A	Premont, Texas	BLH-860707KF
	O	KUKA	290A	San Diego, Texas	BLH-930719KC
	P	KZTQ	291A	Laredo, Texas	BLH-930107KC
	Q	KPSO	292A	Falfurrias, Texas	BLH-831121AO
*	R	NEW	254A	Benavides, Texas	DOC. 95-74 RM-8579
	S	KRGE	1290 kHz	Weslaco, Texas	5.0 kW, DA-N
	T	KQNN	221A	Alice, Texas	BMLH-920821KA
	U	KMXR	230C1	Corpus Christi, Texas	BLH-4670
	V	KZFM	238C	Corpus Christi, Texas	BLH-871029KD
	W	KLTG	243C1	Corpus Christi, Texas	BLH-910213KA
	W	KFTX	248C1	Kingsville, Texas	BLH-890130KC

BENAVIDES COMMUNICATIONS  
PRM MAP EXHIBIT A



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## WILLOUGHBY & VOSS

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W	KSAB	260C1	Robstown, Texas	BLH-910723KB
X	KOUL	279C1	Sinton, Texas	BLH-860424KB
Y	KBIC	275C2	Alice, Texas	BPH-900328IH
Z	KFLZ	296A	Bishop, Texas	BLH-800620AB
AA	KCCT	1150 kHz	Corpus Christi, Texas	BL-810325AI
BB	KSIX	1230 kHz	Corpus Christi, Texas	1.0 kW, ND
CC	KINE	1330 kHz	Kingsville, Texas	1.0 kW, ND
DD	KRYS	1360 kHz	Corpus Christi, Texas	1.0 kW, ND
EE	KEYS	1440 kHz	Corpus Christi, Texas	1.0 kW, ND
FF	KROB	1510 kHz	Robstown, Texas	0.5 kW, ND
GG	KUNO	1400 kHz	Corpus Christi, Texas,	BL-850221AB
HH	KDAE	1590 kHz	Sinton, Texas	1.0 kW, DA-2
%	KCTA	1030 kHz	Corpus Christi, Texas	50.0 kW, ND-1

% The KCTA 0.5 mV/m contour was not shown on the map as it extended beyond the exhibit borders. KCTA was included in the counts of aural services, as it covers all of the pertinent area of study.

\* Denotes facilities involved in the instant rulemaking proceeding.

1. All FM contours were calculated in accordance with FCC Rules, using the licensed or CP facilities as listed in the FCC FM Engineering Database.
2. All AM contours were calculated using the operating parameters contained in the FCC AM Engineering Database. The distances to contours were derived on the basis of M3 ground conductivities utilizing the pertinent graphs from §73.184(f).